

# MINTZ LEVIN

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February 2, 2011

## VIA ELECTRONIC FILING

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: Ex Parte Notice**  
**WT Docket No. 05-265**

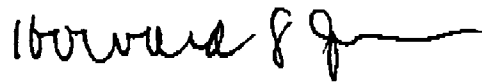
Dear Ms Dortch:

On February 1, 2011, Thomas Sugrue, Kathleen Ham and Luisa Lancetti of T-Mobile USA, Inc. ("T-Mobile"), John Kneuer of the JKC Consulting, and the undersigned met with Charles Mathias, senior legal advisor to Commissioner Baker, and Mr. Sugrue met separately with Rick Kaplan, chief counsel and senior legal advisor to Chairman Genachowski, regarding the above-captioned proceeding. Reiterating the arguments in T-Mobile's prior filings and presentations in this proceeding, we argued that extending the voice roaming rule to data roaming would serve the public interest by ensuring seamless connectivity for wireless consumers; that limiting the roaming rule to voice service would ignore the increasingly data-centric character of wireless usage and the convergence of voice and data services; and that the Commission has authority under Titles I, II, and III of the Communications Act to adopt a data roaming rule. We also explained that, contrary to the arguments raised by opponents of an automatic data roaming requirement, the adoption of such a requirement will promote buildout in smaller markets by enabling carriers like T-Mobile to provide service in adjacent more sparsely populated areas where buildout is not economical.

Pursuant to section 1.1206(b) of the Commission's rules, an electronic copy of this letter is being filed electronically with the Office of the Secretary for inclusion in the above-referenced dockets and served electronically on the Commission participants in the meetings.

Please direct any questions regarding this filing to the undersigned.

Sincerely,



Howard J. Symons

cc: Charles Mathias  
Rick Kaplan

**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

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